

REMARKS

Applicant has submitted this amendment and Request for Continued Examination so that the Examiner may consider the alternate claims as modified herein. Applicant respectfully requests reconsideration of the prior art rejections set forth by the Examiner under 35 USC sections 102 and 103. Applicant respectfully submits that the claims as now modified are patentably distinct over the prior art references of record cited by the Examiner.

More specifically, by this amendment, Applicant has modified each of the independent claims to incorporate the limitations from dependent claims 16 and 20 which now distinguish the claims from the prior art references of record cited by the Examiner. Specifically, Applicants have modified claims and 5 to now require that : said solid immersion lens is shaped like a conical surface;

wherein said silicon oxide layer is formed directly on said substrate, said silicon layer is formed directly on said silicon oxide layer, and said protective layer is formed directly on said silicon layer, and

wherein both said silicon layer and said protective layer have a refractive index larger than a numerical aperture of said objective lens when irradiated with a light wavelength of substantially 400 nm.

Applicant respectfully submits that the references of record whether considered alone or in combination fail to either teach or suggest this advance in the art which provided a high density near field optical recording technique.

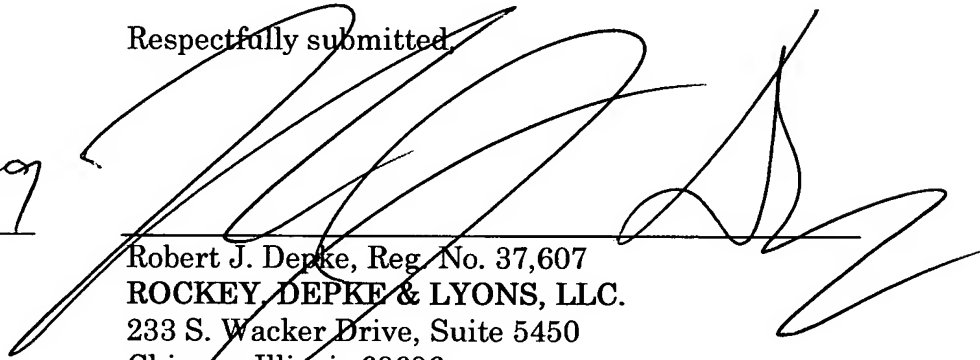
Appl. No. 10/826,733
Reply to Office Action of October 30, 2008
Amendment dated: April 30, 2009

Accordingly, in light of the foregoing, Applicants submit that all claims now stand in condition for allowance. In the event that it is deemed necessary, the Commissioner is hereby authorized to charge any fees due or to credit any overpayment to Deposit Account No. 50-3891.

Respectfully submitted,

Date:

4/30/09


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